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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/845,900	04/30/2001	Jamie A. Greenwald	6208-10	3708
27383	7590	04/07/2006	EXAMINER	
CLIFFORD CHANCE US LLP 31 WEST 52ND STREET NEW YORK, NY 10019-6131			HAVAN, THU THAO	
			ART UNIT	PAPER NUMBER
			3624	
DATE MAILED: 04/07/2006				

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/845,900

Applicant(s)

GREENWALD, JAMIE A.

Examiner

Thu Thao Havan

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 30 April 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-72 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-72 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 4/30/01 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

**Detailed Action**

***Drawings***

The Examiner accepts the drawings filed on April 30, 2001.

**Claim Rejections - 35 USC § 103**

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims **1-72** are rejected under 35 U.S.C. 103(a) as being unpatentable over Hausman (US 2002/0178104) in view of Feilbogen et al. (US 2002/0016762).

Re claims **1, 29, 48, and 69**, Hausman teaches a system for facilitating a trade in a non-listed security (para.0002-0003; Hausman discloses electronic trading of interests using reserves and a price change feature. A portion of a total desired trade quantity may be held in reserve, and thereby not disclosed in the relevant market. The reserves trades corresponds to a non-listed security since the trades are reserved and not listed on the current market), comprising:

a past trades database for storing trade information regarding past trades executed through the system (para. 0004, 0040, 0048, and 0055-0061; Hausman discloses past trades as prior trades. The order or quotation price for the reserve quantity is changed fully or partially automatically from the price of a prior order or quotation);

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a pricing engine for providing price quotes in the non-listed security, said pricing engine in communication with said past trades database, said pricing engine receiving as input financial information (para. 0007 and 0040; Hausman discloses a price change feature in electronic trading over a network or networks of many types of interests involving reserves);

wherein when a client requests a price quote for the non-listed security, said pricing engine provides said price quote based on said past trades in said past trades database and said financial information (para. 0009 and 0040; Hausman discloses the order may be stored within a database system to which other traders have authorized access, so that such other traders may review the order by accessing the database);

an automatic market making engine for providing price quotes in the non-listed security to a client, said automatic market making engine being in communication with said past trades database and receiving financial information as input, said automatic market making engine continuously updating said price quotes based on changes to said financial information (para. 0040-0043; figs. 1-3);

client requests a trade in said non-listed security based on said price provided by said automatic market making engine, said trade is stored in said past trades database (para.0056-0062 and 0036; figs. 3-4).

However, Hausman does not explicitly teach a hedging module for performing hedging transactions. On the other hand, Feilbogen discloses a hedging module for performing hedging transactions (para. 0044; fig. 2 (element 15)). Feilbogen discloses the hedger module transfers public price data streams to update the current foreign price of the

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goods. He also discloses individual transaction hedging is simply hedging on a transaction-per-transaction basis. Thus, it would have been obvious to one of ordinary skill in the art to enable an electronic trading system to include a hedging module for performing hedging transactions to update the current foreign price of the goods as discloses in Feilbogen.

Re claims **2** and **56**, Hausman teaches a price log for storing said price quotes in the non-listed security, wherein said pricing engine provides said price quote based on said past quotes stored in said price log (abstract; figs. 1-3). Hausman discloses prior price quotes that are stored in a database.

Re claims **3** and **65-66**, Hausman teaches financial information includes interest rate information, dividend information relating to said non-listed security, tax credit information and borrowing cost information (para. 0058, 0053, and 0062).

Re claims **4** and **62-64**, Hausman teaches pricing engine receives surface volatility information and said pricing engine provides said price quote based on said surface volatility (figs. 7-8 and 10).

Re claims **5** and **59**, Hausman teaches pricing engine receives pricing constraints and wherein said price quote provided by said pricing engine is based on said constraints (para. 0043-0044).

Re claims **6** and **49-53**, Hausman teaches pricing engine continuously updates said price quotes (para. 0063, 0068, and 0121). Hausman reports all order and trade updates.

Re claims **7-8** and **30-32**, Feilbogen teaches a check ability to trade (CATT) module wherein when said client desires to transact in the non-listed security, said CATT module determines the client's ability to trade (para. 0044; fig. 2).

Re claims **9** and **61**, Hausman teaches client issues a request to trade said non-listed security based on said price quote (figs. 11-13).

Re claims **10**, **14-15**, **33-34**, and **54-55**, Hausman teaches client issues said request to trade electronically (para. 0002). Hausman discloses electronic trading system.

Re claims **11**, **35-36**, **57**, and **71**, Feilbogen teaches a hedging module for performing hedging transactions, wherein when said client requests a trade in the non-listed security, said hedging module executes a hedging transaction for hedging said trade (fig. 2).

Re claims **12**, **16-18**, **20-27**, **39-46** and **70**, Hausman teaches information regarding said trade is stored in said past trades database (para. 0040, 0048, and 0055-0061). Hausman discloses prior orders are accessed in the database.

Re claims **13**, **58**, **60**, and **67**, Hausman teaches a trade confirmation generator in communication with said past trades database, wherein when said trade is stored in said past trades database, said trade confirmation generator generates a trade confirmation based on said trade information and said trade confirmation is provided to said client (fig. 2 (element 30) and figs. 3-4).

Re claims **19** and **37-38**, Feilbogen teaches a collateral management module, said collateral management module in communication with said past trades database for determining the client's collateral requirements (para. 0044).

Re claims **28**, **47**, **68**, and **72**, Hausman teaches at least one of said price quotes includes a bid price and an offer price (para. 0002). Hausman teaches pricing of orders and quotations based on bids and offers.

### Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

McCarthy et al., US 2002/0161690

McQuan, US 2003/0055775

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thu Thao Havan whose telephone number is (571) 272-8111. The examiner can normally be reached on Monday-Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Vincent Millin can be reached on (571) 272-6747. The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct-uspto.gov/>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at (866) 217-9197 (toll-free).

TTH  
3/30/2006



HANI M. KAZIMI  
PRIMARY EXAMINER